

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**MARVIN STOCKDALE,**

**Defendant.**

**8:09CR346**

## ORDER

Defendant Marvin Stockdale (Stockdale) appeared before the court on June 4, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 50). Stockdale was represented by Matthew R. Kahler and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through his counsel, Stockdale requested a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The hearing was continued to June 5, 2012.

Defendant Stockdale again appeared before the court on June 5, 2012, with his counsel, Mr. Kahler. The United States was represented by Assistant U.S. Attorney Wellman. Through his counsel, Stockman waived a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The court finds there is probable cause to believe the violations have occurred and Stockdale has violated the conditions of his supervised release as alleged, and Stockdale should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

Each side proffered matters for the purpose of detention. It is Stockdale's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community. I find he has failed to do so. In light of Stockdale's previous criminal record including the circumstances of the current violations, the court finds Stockdale to be a danger to the community. Even while under allegations of associating with felons and awaiting this hearing, Stockdale again associated with another felon on May 26, 2012. Stockdale will be detained pending a dispositional hearing before Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on July 19, 2012**. Defendant must be present in person.

2. Defendant Marvin Stockdale is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 5th day of June, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge